

ited in the Colorado River Dam Fund and shall be available for the uprating program.

(f) Amounts advanced by non-Federal purchasers; financial integration as capital costs

Those amounts advanced by non-Federal purchasers shall be financially integrated as capital costs with other project costs for rate-setting purposes, and shall be returned to those purchasers advancing funds throughout the contract period through credits which include interest costs incurred by such purchasers for funds contributed to the Secretary of the Interior for the uprating program.

(g) Congressional exercise of reserved right

The provisions of this section constitute an exercise by the Congress of the right reserved by it in section 5(b) of the Boulder Canyon Project Act, as amended and supplemented [43 U.S.C. 617d(b)], to prescribe terms and conditions for the renewal of contracts for electrical energy generated at Hoover Dam. This section constitutes the exclusive method for disposing of capacity and energy from Hoover Dam for the period beginning June 1, 1987, and ending September 30, 2017.

(h) Court challenges; disputes and disagreements

(1) Notwithstanding any other provision of law, any claim that the provisions of subsection (a) of this section violates any rights to capacity or energy from the Boulder Canyon project is barred unless the complaint is filed within one year after August 17, 1984, in the United States Court of Federal Claims which shall have exclusive jurisdiction over this action. Any claim that actions taken by any administrative agency of the United States violates any right under this subchapter or the Boulder Canyon Project Act [43 U.S.C. 617 et seq.] or the Boulder Canyon Project Adjustment Act [43 U.S.C. 618 et seq.] is barred unless suit asserting such claim is filed in a Federal court of competent jurisdiction within one year after final refusal of such agency to correct the action complained of.

(2) Any contract entered into pursuant to this section or section 107 of this Act [42 U.S.C. 7133 note] shall contain provisions by which any dispute or disagreement as to interpretation or performance of the provisions of this subchapter or of applicable regulations or of the contract may be determined by arbitration or court proceedings. The Secretary of Energy or the Secretary of the Interior, as the case may be, if authorized to act for the United States in such arbitration or court proceedings and, except as provided in paragraph (1) of this subsection, jurisdiction is conferred upon any district court of the United States of proper venue to determine the dispute.

(i) Congressional declaration of purpose

It is the purpose of subsections (c), (g), and (h) of this section to ensure that the rights of contractors for capacity and energy from the Boulder Canyon project for the period beginning June 1, 1987, and ending September 30, 2017, will vest with certainty and finality.

(Pub. L. 98-381, title I, §105, Aug. 17, 1984, 98 Stat. 1335; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

REFERENCES IN TEXT

The Boulder Canyon Project Act, referred to in subsecs. (b) and (h)(1), is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§617 et seq.) of this chapter. For complete classification of this Act to the Code, see section 617t of this title and Tables.

The Boulder Canyon Project Adjustment Act, referred to in subsec. (h)(1), is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§618 et seq.) of this chapter. For complete classification of this Act to the Code, see section 618o of this title and Tables.

Section 107 of this Act, referred to in subsec. (h)(2), is section 107 of Pub. L. 98-381, which is set out as a note under section 7133 of Title 42, The Public Health and Welfare.

This subchapter, was in the original “this Act”, meaning Pub. L. 98-381, Aug. 17, 1984, 98 Stat. 1333, which enacted this subchapter and sections 7274 and 7275 of Title 42, and amended sections 617a, 617b, 618, 618a, 618e, 618k, and 1543 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 619 of this title and Tables.

AMENDMENTS

1992—Subsec. (h)(1). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

§619b. Reimbursement of funds advanced by non-Federal purchasers; uprating program; repayment requirement; visitor facilities program

Reimbursement of funds advanced by non-Federal purchasers for the uprating program shall be a repayment requirement of the Boulder Canyon project beginning with the first day of the month following completion of each segment thereof. The cost of the visitor facilities program as defined in section 619(a) of this title shall become a repayment requirement beginning June 1, 1987, or when substantially completed, as determined by the Secretary of the Interior, if later.

(Pub. L. 98-381, title I, §106, Aug. 17, 1984, 98 Stat. 1339.)

CHAPTER 12B—COLORADO RIVER STORAGE PROJECT

Sec.	
620.	Upper Colorado River Basin; purpose of development of water resources; initial units; construction of Wayne N. Aspinall unit contingent upon certification; participating projects; Rainbow Bridge National Monument.
620a.	Priority to planning reports of certain additional participating projects; reports to States; San Juan-Chama project; Juniper project.
620a-1.	Construction of participating projects to be concurrent with Central Arizona Project.
620a-2.	Establishment of nonexcess irrigable acreage for participating projects.
620b.	Congressional intent; additional undesignated projects not precluded; construction not authorized within national park or monument.

Sec.	
620c.	Laws governing; irrigation repayment contracts; time for making contract; contracts for municipal water; payment by Indian lands; restricted delivery of water for excess commodity; apportionments of use.
620c-1.	Laws governing priority of appropriation.
620d.	Upper Colorado River Basin Fund.
620d-1.	Reimbursement of Fund from Colorado River Development Fund; operation of Hoover Dam.
620e.	Cost allocations; Indian lands; report to Congress.
620f.	Powerplant operations.
620g.	Recreational and fish and wildlife facilities.
620h.	Saving provisions.
620i.	Expenditures; units excepted from soil survey and land classification requirements.
620j.	Court decree; effectivity and approval.
620k.	Authorization of appropriations.
620l.	Net power revenues.
620m.	Compliance with law required in operation of facilities; enforcement of provisions.
620n.	Water quality study and reports.
620n-1.	Top water bank.
620o.	Definitions.

§ 620. Upper Colorado River Basin; purpose of development of water resources; initial units; construction of Wayne N. Aspinall unit contingent upon certification; participating projects; Rainbow Bridge National Monument

In order to initiate the comprehensive development of the water resources of the Upper Colorado River Basin, for the purposes, among others, of regulating the flow of the Colorado River, storing water for beneficial consumptive use, making it possible for the States of the Upper Basin to utilize, consistently with the provisions of the Colorado River Compact, the apportionments made to and among them in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, providing for the reclamation of arid and semiarid land, for the control of floods, and for the generation of hydroelectric power, as an incident of the foregoing purposes, the Secretary of the Interior is authorized (1) to construct, operate, and maintain the following initial units of the Colorado River storage project, consisting of dams, reservoirs, powerplants, transmission facilities and appurtenant works: Wayne N. Aspinall, Flaming Gorge, Navajo (dam and reservoir only), and Glen Canyon: *Provided*, That the Wayne N. Aspinall Dam shall be constructed to a height which will impound not less than nine hundred and forty thousand acre-feet of water or will create a reservoir of such greater capacity as can be obtained by a high waterline located at seven thousand five hundred and twenty feet above mean sea level, and that construction thereof shall not be undertaken until the Secretary has, on the basis of further engineering and economic investigations, reexamined the economic justification of such unit and, accompanied by appropriate documentation in the form of a supplemental report, has certified to the Congress and to the President that, in his judgment, the benefits of such unit will exceed its costs; and (2) to construct, operate, and maintain the following additional reclamation projects (including power-generating and transmission facilities related thereto), hereinafter

referred to as participating projects: Central Utah (initial phase and the Uintah unit), San Juan-Chama (initial stage), Emery County, Florida, Hammond, La Barge, Lyman, Navajo Indian, Paonia (including the Minnesota unit, a dam and reservoir on Muddy Creek just above its confluence with the North Fork of the Gunnison River, and other necessary works), Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel, Seedskaadee, Savery-Pot Hook, Bostwick Park, Fruitland Mesa, the Navajo-Gallup Water Supply Project, Silt and Smith Fork: *Provided further*, That as part of the Glen Canyon Unit the Secretary of the Interior shall take adequate protective measures to preclude impairment of the Rainbow Bridge National Monument.

(Apr. 11, 1956, ch. 203, §1, 70 Stat. 105; Pub. L. 87-483, §18, June 13, 1962, 76 Stat. 102; Pub. L. 88-568, §1, Sept. 2, 1964, 78 Stat. 852; Pub. L. 90-537, title V, §501(a), Sept. 30, 1968, 82 Stat. 896; Pub. L. 96-375, §7, Oct. 3, 1980, 94 Stat. 1507; Pub. L. 96-470, title I, §108(c), Oct. 19, 1980, 94 Stat. 2239; Pub. L. 111-11, title X, §10401(a), Mar. 30, 2009, 123 Stat. 1371.)

AMENDMENT OF SECTION

For termination of amendment by section 10701(e)(2) of Pub. L. 111-11, see Termination Date of 2009 Amendment note below.

CODIFICATION

The provisions of subsec. (a) of section 501 of Pub. L. 90-537 which amended this section are only a part of said subsec. (a). The remainder of said subsec. (a) amended section 620a of this title and enacted provisions set out as notes under this section and section 620k of this title.

AMENDMENTS

2009—Pub. L. 111-11, §§10401(a), 10701(e)(2), temporarily inserted “the Navajo-Gallup Water Supply Project,” after “Fruitland Mesa,” in cl. (2). See Termination Date of 2009 Amendment note below.

1980—Pub. L. 96-470 struck out proviso that construction of Uintah unit of Central Utah project not be undertaken by the Secretary until he has completed a feasibility report on such unit and submitted it to Congress, along with his certification that, in his judgment, the benefits of such unit or segment will exceed the cost and that such unit is physically and financially feasible, and that the Congress has authorized appropriations for construction thereof.

Pub. L. 96-375 substituted “Wayne N. Aspinall” for “Curecanti”.

1968—Pub. L. 90-537 added Uintah unit to initial phase in Central Utah project, substituted “Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel” for “Pine River Extension”, and inserted proviso prohibiting construction of Uintah unit of Central Utah project until a feasibility study is made, a determination is made that its benefits will exceed its costs and an authorization for appropriations is made by Congress.

1964—Pub. L. 88-568 included Savery-Pot Hook, Bostwick Park, and Fruitland Mesa as participating projects.

1962—Pub. L. 87-483 included San Juan-Chama (initial stage) and Navajo Indian as participating projects in cl. (2).

TERMINATION DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-11 to be null and void on issuance of a court order terminating a certain Agreement and Contract between New Mexico, the Navajo Nation, and the United States, see section 10701(e)(2) of Pub. L. 111-11, set out as an Agreement note below.